

Appl. No. 10/706,378
Docket No. CM2477M2D
Amdt. dated October 16, 2006
Reply to Office Action mailed on August 14, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-41 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102 Over US 2002/0077264

Claims 1-41 stand rejected under 35 U.S.C. §102 over US 2002/0077264. The Office Action maintains this rejection stating that in paragraph [0027] that it is stated, "preferably, the pouch, in particular the first pouch, is made of a material which is stretchable, as set out herein.". The Office Action further states that the term "stretchable" would either directly anticipate or inherently anticipate the applicant's term "deformability".

Applicants would like to draw the Examiner's attention to the claim language of Claim 1 pending in the present case.

A water-soluble pouch for use in an automatic dishwashing machine comprising one or more dishwashing compositions in a unit dose form, said water-soluble pouch having a degree of deformability greater than about 5% and a shape and size such that said water-soluble pouch occupies more than about 40% of the volume of an individual compartment of a dispenser compartment of an automatic dishwashing machine that has one or more individual compartments when said dispenser compartment is in a closed state.

Applicants would also like to draw the Examiner's attention to the fact that the reasons for maintain the rejection under 35 U.S.C. §102 all address the characteristics of material making a pouch and not the pouch itself. Should it be the argument that a film such as the one discussed in US 2005/0049164 is equated to a complete water-soluble pouch comprising dishwashing composition as defined on page 4, lines 22-25, Applicants submit that this interpretation is contrary to that defined by Applicants and is impermissible.

Appl. No. 10/706,378
Docket No. CM2477M2D
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Claim 1 clearly states that the water-soluble pouch comprises one or more dishwashing composition in a unit dose form and that the entire water-soluble pouch, not the material making the pouch alone, has the required degree of deformability and occupation of volume of a dispenser compartment of an automatic dishwashing machine.

Applicants maintain that US 2002/0077264 does not recognize or disclose the deformability parameter for the water-soluble pouch claimed and request that the rejection under 35 U.S.C. §102 be withdrawn.

Additionally, the Office Action states that the Examiner is unaware of any dishwashing pouch that possesses rigid dimensions. While Applicants appreciate and thank the Examiner for the educational benefits derived from such a discourse, Applicants are unaware of an MPEP section where the lack of knowledge for an element not actually claimed by the Applicants impacts the patentability of the claims at hand. As such, Applicants would like to state for clarification that the present claims are not directed to a dishwashing pouch that possesses rigid dimension, rather it is directed to a water-soluble pouch that possess a certain deformability parameter and occupation of volume of a dispenser compartment of an automatic dishwashing machine.

Rejection Under 35 USC §102 Over US 2005/0049164

Claims 1-41 stand rejected under 35 U.S.C. §102 over US 2005/0049164. The Office Action maintains this rejection stating that the pouch is made from a "stretchable material" in paragraph [0039]. The Office Action equates "stretchable material" with a deformable body.

Applicants would like to draw the Examiner's attention to the claim language of Claim 1 pending in the present case.

A water-soluble pouch for use in an automatic dishwashing machine comprising one or more dishwashing compositions in a unit dose form, said water-soluble pouch having a degree of deformability greater than about 5% and a shape and size such that said water-soluble pouch occupies more than about 40% of the volume of an individual compartment of a dispenser compartment of an automatic dishwashing

Appl. No. 10/706,378
Docket No. CM2477M2D
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Customer No. 27752

machine that has one or more individual compartments when said dispenser compartment is in a closed state.

Applicants would also like to draw the Examiner's attention to the fact that the reasons for maintain the rejection under 35 U.S.C. §102 all address the characteristics of material making a pouch and not the pouch itself. Should it be the argument that a film such as the one discussed in US 2005/0049164 is equated to a complete water-soluble pouch comprising dishwashing composition as defined on page 4, lines 22-25, Applicants submit that this interpretation is contrary to that defined by Applicants and is impermissible.

Claim 1 clearly states that the water-soluble pouch comprises one or more dishwashing composition in a unit dose form and that the entire water-soluble pouch, not the material making the pouch alone, has the required degree of deformability and occupation of volume of a dispenser compartment of an automatic dishwashing machine.

Applicants maintain that US 2005/0049164 does not recognize or disclose the deformability parameter for the water-soluble pouch claimed and request that the rejection under 35 U.S.C. §102 be withdrawn.

Additionally, the Office Action states that the Examiner is unaware of any dishwashing pouch that possesses rigid dimensions. While Applicants appreciate and thank the Examiner for the educational benefits derived from such a discourse, Applicants are unaware of an MPEP section where the lack of knowledge for an element not actually claimed by the Applicants impacts the patentability of the claims at hand. As such, Applicants would like to state for clarification that the present claims are not directed to a dishwashing pouch that possesses rigid dimension, rather it is directed to a water-soluble pouch that possess a certain deformability parameter and occupation of volume of a dispenser compartment of an automatic dishwashing machine.

Rejection Under 35 USC §102 Over US 6,492,312

Claims 1-41 stand rejected under 35 U.S.C. §102 over US 6,492,312. The Office Action maintains this rejection stating that in Col. 3, lines 40-65 of US 6,492,312, the water-soluble resin should be strong and pliable and then equates the term "pliable" with "deformability".

Appl. No. 10/706,378
Docket No. CM2477M2D
Amdt. dated October 16, 2006
Reply to Office Action mailed on August 14, 2006
Customer No. 27752

Applicants would like to draw the Examiner's attention to the claim language of Claim 1 pending in the present case.

A water-soluble pouch for use in an automatic dishwashing machine comprising one or more dishwashing compositions in a unit dose form, said water-soluble pouch having a degree of deformability greater than about 5% and a shape and size such that said water-soluble pouch occupies more than about 40% of the volume of an individual compartment of a dispenser compartment of an automatic dishwashing machine that has one or more individual compartments when said dispenser compartment is in a closed state.

Applicants would also like to draw the Examiner's attention to the fact that the reasons for maintain the rejection under 35 U.S.C. §102 all address the characteristics of material making a pouch and not the pouch itself. Should it be the argument that a resin such as the one discussed in US 6,492,312 is equated to a complete water-soluble pouch comprising dishwashing composition as defined on page 4, lines 22-25, Applicants submit that this interpretation is contrary to that defined by Applicants and is impermissible.

Claim 1 clearly states that the water-soluble pouch comprises one or more dishwashing composition in a unit dose form and that the entire water-soluble pouch, not the material making the pouch alone, has the required degree of deformability and occupation of volume of a dispenser compartment of an automatic dishwashing machine.

Applicants maintain that US 6,492,312 does not recognize or disclose the deformability parameter for the water-soluble pouch claimed and request that the rejection under 35 U.S.C. §102 be withdrawn.

Additionally, the Office Action states that the Examiner is unaware of any dishwashing pouch that possesses rigid dimensions. While Applicants appreciate and thank the Examiner for the educational benefits derived from such a discourse, Applicants are unaware of an MPEP section where the lack of knowledge for an element not actually claimed by the Applicants impacts the patentability of the claims at hand. As such, Applicants would like to state for clarification that the present claims are not directed to a

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dishwashing pouch that possesses rigid dimension, rather it is directed to a water-soluble pouch that possess a certain deformability parameter and occupation of volume of a dispenser compartment of an automatic dishwashing machine.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102. Early and favorable action in the case is respectfully requested. Applicants' attorney invites the Examiner to contact her at any time regarding any questions he may have relating to the above referenced case.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-41 is respectfully requested.

Respectfully submitted,

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